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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, FEBRUARY 4, 2000

COMMONWEALTH OF VIRGINIA, ex rel.

ROBERT E. LEE JONES JR.

v.

CASE NO. PUC990157

MCI WORLDCOM NETWORK  
SERVICES OF VIRGINIA, INC.

COMMONWEALTH OF VIRGINIA, ex rel.

JEFFREY D. BARNES

v.

CASE NO. PUC990246

MCI WORLDCOM NETWORK  
SERVICES OF VIRGINIA, INC.

PRELIMINARY ORDER

On September 17, 1999, Robert E. Lee Jones Jr. filed a petition seeking relief against MCI Telecommunications Corporation<sup>1</sup> and the Virginia Department of Corrections ("DOC") concerning the rates charged for collect toll calls placed by inmates at DOC Facilities. On December 21, 1999, a similar

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<sup>1</sup> The Commission will deem these complaints as filed against the Virginia corporate entity holding a certificate to provide interexchange services in Virginia. Accordingly, the Commission institutes this proceeding, on the relation of the complainants, against MCI WorldCom Network Services of Virginia, Inc. (hereinafter, "MCI").

complaint against MCI was filed by Jeffrey D. Barnes. Both Mr. Jones and Mr. Barnes are inmates at DOC facilities. The Commission will treat these filings as formal complaints against MCI pursuant to Rule 5:6 of the Commission's Rules of Practice and Procedure.

NOW THE COMMISSION, upon consideration of these complaints, is of the opinion and finds that the two matters should be docketed and consolidated; that copies of the complaints should be mailed to MCI's registered agent, the DOC, and the Office of the Attorney General; that MCI should be directed to respond to the complaints and the DOC should be afforded the opportunity to respond; and complainants shall be afforded the opportunity to file a reply.

We note that § 56-234 of the Code of Virginia divests the Commission of jurisdiction over schedules of rates or contracts for service rendered by any telephone company to the state government. We make no finding at this time as to the applicability of this exemption in § 56-234 to this case. We do note further, however, that MCI has on file with the Commission a tariff under which it purportedly provides intrastate collect call services to authorized institutional phones. An additional tariff provision states that the party paying for a collect or

third-party call is the customer.<sup>2</sup> We direct MCI, and the DOC if it elects to respond, to address these points, as well as the other issues raised in the complaints, in its response to the complaints. Accordingly,

IT IS ORDERED:

(1) These matters are docketed, assigned Case Nos. PUC990157 (Jones) and PUC990246 (Barnes), and hereby consolidated for all further proceedings.

(2) A copy of this Order and the complaints filed September 17, 1999, and December 21, 1999, shall be mailed by the Clerk of the Commission to MCI's registered agent, Beverley L. Crump, Esquire, 11 South Twelfth Street, P.O. Box 1463, Richmond, Virginia 23218; Ronald J. Angelone, Director, Department of Corrections, 6900 Atmore Drive, Richmond, Virginia 23225; and to John F. Dudley, Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, Second Floor, 900 East Main Street, Richmond Virginia 23219.

(3) On or before February 29, 2000, MCI shall file with the Clerk of the Commission an original and fifteen (15) copies of a response to the complaints, and shall serve a copy on complainants.

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<sup>2</sup> See MCI's Intercity Telecommunications Services Tariff, Va. S.C.C. Tariff No. 3, 9th Revised Page No. 40, note 2. The Commission, of course, has jurisdiction over the rates charged and services provided by carriers when such rates and services are pursuant to the carrier's tariffs on file with the Commission.

(4) On or before February 29, 2000, DOC may file a response to the complaints. Any response shall be filed with the Clerk of the Commission with fifteen (15) copies, and shall be served on complainants.

(5) On or before March 16, 2000, the complainants may file a reply to responses filed herein, and shall serve a copy of such reply on MCI, DOC, and the Office of the Attorney General.

(6) This matter is continued until further order of the Commission.